

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

PSG-MID CITIES MEDICAL CENTER, LLC	§	
D/B/A SAINT CAMILLUS MEDICAL CENTER,	§	
	§	
Plaintiff,	§	
	§	
v.	§	Civil Action No. 3:20-CV-02477-E
	§	
RICK JARRELL, MHBT, INC., MARSH &	§	
MCCLENNAN AGENCY, LLC, and	§	
CONTINENTAL CASUALTY COMPANY,	§	
	§	
Defendants.	§	

ORDER

Before the Court is the Motion to Dismiss filed by defendants Rick Jarrell, MHBT, Inc. (MHBT), and Marsh & McClennan Agency, LLC (Marsh) (collectively, brokers) (Doc. 6). The Court previously considered the issues raised in the motion in deciding a motion to remand filed by plaintiff PSG-Mid Cities Medical Center, LLC d/b/a Saint Camillus Medical Center (Saint Camillus) (Docs. 9, 16). The Court entered an order denying the motion for remand, finding there was no reasonable basis for the Court to predict that Saint Camillus may be able to recover against the brokers and, thus, the brokers were improperly joined (Doc. 16).¹ The Court's determination that the brokers were improperly joined effectively dismissed

¹ The Court considered each of Saint Camillus's claims against the brokers – claims for breach of the duty of good faith and fair dealing, gross negligence and/or malice, violation of the Texas Prompt Payment Act and, as against MHBT and Jarrell, additional claims for violation of the Texas Insurance Code, negligence, and negligent misrepresentation (Doc. 1-8).

Saint Camillus's claims against them without prejudice. *Int'l Energy Ventures Mgmt., L.L.C. v. United Energy Grp., Ltd.*, 818 F.3d 193, 210 (5th Cir. 2016).

Saint Camillus's claims against the brokers, therefore, are **DISMISSED without prejudice**. The brokers' motion to dismiss (Doc. 6) is **DENIED as moot**. *Id.*

So **ORDERED**; signed March 9, 2021.

A handwritten signature in black ink, appearing to read 'Ada Brown', written over a horizontal line.

ADA BROWN
UNITED STATES DISTRICT JUDGE